

# HOUSE BILL 650

E1  
HB 258/09 – JUD

0lr1763

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By: **Delegates Simmons and Lee**  
Introduced and read first time: February 3, 2010  
Assigned to: Judiciary

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Committee Report: Favorable  
House action: Adopted  
Read second time: February 23, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Crimes – Committing a Crime of Violence in the Presence of a Minor –**  
3 **Penalties**

4 FOR the purpose of prohibiting a person from committing a certain crime of violence  
5 while knowingly in the presence of a minor under a certain age who witnesses  
6 the crime in a residence; establishing certain penalties for a violation of this  
7 Act; establishing that a sentence under this Act is separate from and  
8 consecutive to a sentence for a crime based on the act establishing a violation of  
9 this Act; providing that a person who violates this Act is guilty of the abuse of a  
10 child under 18 for certain purposes; and generally relating to the commission of  
11 crimes of violence in the presence of minors.

12 BY repealing and reenacting, without amendments,  
13 Article – Courts and Judicial Proceedings  
14 Section 9–106(a)  
15 Annotated Code of Maryland  
16 (2006 Replacement Volume and 2009 Supplement)

17 BY adding to  
18 Article – Criminal Law  
19 Section 3–601.1  
20 Annotated Code of Maryland  
21 (2002 Volume and 2009 Supplement)

22 BY repealing and reenacting, without amendments,

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Article – Public Safety  
2 Section 5–101(a) and (c)  
3 Annotated Code of Maryland  
4 (2003 Volume and 2009 Supplement)

5 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
6 MARYLAND, That the Laws of Maryland read as follows:

7 **Article – Courts and Judicial Proceedings**

8 9–106.

9 (a) The spouse of a person on trial for a crime may not be compelled to testify  
10 as an adverse witness unless the charge involves:

11 (1) The abuse of a child under 18; or

12 (2) Assault in any degree in which the spouse is a victim if:

13 (i) The person on trial was previously charged with assault in  
14 any degree or assault and battery of the spouse;

15 (ii) The spouse was sworn to testify at the previous trial; and

16 (iii) The spouse refused to testify at the previous trial on the  
17 basis of the provisions of this section.

18 **Article – Criminal Law**

19 **3–601.1.**

20 (A) A PERSON MAY NOT COMMIT A CRIME OF VIOLENCE AS DEFINED IN  
21 § 5–101 OF THE PUBLIC SAFETY ARTICLE WHILE KNOWINGLY IN THE PRESENCE  
22 OF A MINOR UNDER THE AGE OF 18 WHO WITNESSES THE CRIME IN A  
23 RESIDENCE.

24 (B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
25 MISDEMEANOR AND ON CONVICTION, IN ADDITION TO ANY OTHER SENTENCE  
26 IMPOSED FOR THE CRIME OF VIOLENCE, IS SUBJECT TO IMPRISONMENT NOT  
27 EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING \$5,000 OR BOTH.

28 (C) A SENTENCE IMPOSED UNDER THIS SECTION SHALL BE SEPARATE  
29 FROM AND CONSECUTIVE TO A SENTENCE FOR A CRIME BASED ON THE ACT  
30 ESTABLISHING THE VIOLATION OF THIS SECTION.



**HOUSE BILL 650**

1                   (17) assault with intent to commit any of the crimes listed in items (1)  
2 through (15) of this subsection or a crime punishable by imprisonment for more than 1  
3 year.

4                   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
5 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.